

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 91,875-J)

In the Application of:

McBRIDE AND DEAN

Serial No.: 08/253,973

Filed: June 3, 1994

For: Monoamine, Diamide, Thio-Containing  
Metal Chelating Agents

Before the Examiner:  
M. Hartley

Group Art Unit: 1208

Asst. Commissioner for Patents  
Washington, D.C. 20231

Sir:

**TRANSMITTAL LETTER**

96 MAR - 6 AM 11: 05  
GROUP: 1208

In regard to the above identified application:

1. We are transmitting herewith the attached

Response to Notice to Comply with Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;  
Computer Diskette Containing Sequence Listing in Computer Readable  
Format; Preliminary Amendment and Return Postcard

2. With respect to additional fees:

X No additional fee is required.

3. Please charge any additional fees or credit overpayment to Deposit Account No. 01-0850. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the U.S. Postal Service as "EXPRESS MAIL POST OFFICE TO ADDRESSEE", addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on this 4th day of January, 1996.

By:

Kevin E. Noonan  
Reg. No. 35303

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 91,875-J)

PATENT

In application of: )  
McBride and Dean )  
Serial No. 08/253,973 )  
Filed: June 3, 1994 )  
For: Monoamine, Diamide, Thiol- )  
containing Metal Chelating Agents )

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GROUP: 120  
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**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the notice mailed December 5, 1995, enclosed please find a 3.5" diskette containing a sequence file pursuant to 37 C.F.R. § 1.821. The "Sequence Listing" comprising file 91875-J.seq on this diskette is accompanied by a copy of substitute pages 49-52 of the specification, added by the accompanying Preliminary Amendment and corresponding to the "Sequence Listing" on the diskette submitted in computer readable form. The undersigned attorney hereby attests to the fact that the paper "Sequence Listing" hereby added to the specification as filed by amendment and the computer readable "Sequence Listing" comprising the file on the aforementioned diskette, are the same pursuant to 37 C.F.R. § 1.821(f).

Applicants wish to bring to the Examiner's attention the fact that only a small minority of the instantly-disclosed peptides (9/95) have been submitted in the accompanying Sequence Listing. This is because, as Applicants understand the relevant regulation, the other 86 sequences do not fall within the appropriate regulation. Specifically, 37 C.F.R. § 1.821(a) explicitly states:

"...[A]mino acid sequences...is interpreted to mean an *unbranched* sequence of 4 or more amino acids..." (*emphasis added*).

In this case, all of the other 86 peptide sequences comprise branched-chain amino acid sequences. Specifically, these peptides comprise sequences linked through side-chain functional groups of at least one of the constituent amino acids, as disclosed in the specification:

"(...)<sub>2</sub>K represents covalent linkage to both amino groups of lysine... $\epsilon$ -K represents a lysine residue in which the  $\epsilon$ -amino group, rather than the typical  $\alpha$ -amino group, is covalently linked to the carboxyl group of the adjacent amino acid to form a peptide bond.  $\delta$ -Orn represents an ornithine residue in which the  $\delta$ -amino group, rather than the typical  $\alpha$ -amino group, is covalently linked to the carboxyl group of the adjacent amino acid to form a peptide bond.  $\gamma$ -Dab represents a 2,4-diaminobutyric acid residue in which the  $\gamma$ -amino group is covalently linked to the carboxyl group of the adjacent amino acid to form a peptide bond.  $\beta$ -Dap represents a 1,3-diaminopropionic acid residue in which the  $\beta$ -amino group is covalently linked to the carboxyl group of the adjacent amino acid to form a peptide bond." (p. 25, line 32 through p. 26, line 12).

Thus, Applicants respectfully submit that the disclosed peptides not listed in the Sequence Listing submitted herewith are properly excluded under the explicit terms of the regulation. If this belief be in error, Applicants respectfully request that their undersigned representative be notified and given an opportunity to further reply to this Sequence Listing requirement, within any appropriate time limit.

If the Examiner in charge of this application believes it to be helpful, he or she is invited to contact the undersigned by telephone at (312) 715-1000.

Respectfully submitted,  
**BANNER & ALLEGRETTI, LTD.**

Date: January 4, 1996

By:

Kevin E. Noonan  
Reg. No. 35,303